

REMARKS

I. Restriction Requirement under 35 U.S.C. 121

A. The Examiner has restricted the present application into 3 groups of claims, as set forth in the Office Action dated January 11, 2006. Applicants elect Group I (Claims 47-50) with traverse.

B. The Examiner further noted that if any of Groups I-III should be elected, Applicants are required to additionally elect a single sequence. Applicants elect nucleic acid SEQ ID NO:57 and amino acid sequence SEQ ID NO:58 (i.e. the amino acid sequence encoded by SEQ ID NO:57), with traverse.

SEQ ID NO:57 represents a nucleic acid molecule encoding a full-length equine influenza virus NS protein, i.e. SEQ ID NO:58. Applicants respectfully traverse the Examiner's restriction with respect to SEQ ID NO: 59, which represents the coding region of SEQ ID NO:57.

For the Examiner's convenience, Applicants have attached the following Table which describes the relationship of the above mentioned sequences to SEQ ID NO:57.

<u>SEQ ID NO</u>	<u>Description</u>
57	Full-length NS nucleic acid sequence
58	Full-length NS protein encoded by SEQ ID NO:57
59	Coding region only of SEQ NO:57

As such, Applicants respectfully submit that the claimed sequences in the amended claims do not represent patentably distinct inventions for the purposes of examination and, therefore, all of the claimed sequences should be examined together.

In the event that the Examiner has any questions regarding Applicants' position, the Examiner is invited to contact the undersigned at (970) 493-7272.

Respectfully submitted,

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